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SIPDIS

SENSITIVE

DEPARTMENT FOR NEA/ARPI

E.O. 12958: N/A

TAGS: PHUM PGOV KDEM KJUS BA

SUBJECT: KING ISSUES DECREE ORDERING RELEASE OF HUMAN

RIGHTS ACTIVIST FOLLOWING HIS CONVICTION

REF: A. MANAMA 1658

¶B. MANAMA 1503

¶C. MANAMA 1489

¶D. MANAMA 1482

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¶1. (SBU) On November 21, activist and former Executive Director of the Bahrain Center for Human Rights (BCHR) Abdul Hadi Al Khawaja was convicted and sentenced to one year in prison and ordered to begin serving the term immediately. He had been charged with violating Article 165 (public incitement against the regime) and Article 168 (spreading rumors that could disrupt national security) of the penal code. In reading the verdict, the judge did not specify under what article(s) Al Khawaja was found guilty. Al Khawaja and his family members had refused to attend the hearing. Approximately 10 people were inside the courtroom including Cairo-based Amnesty International representative Joanna Oyediran and journalists from BBC Arabic, AP, and Reuters. The court rejected defense lawyers' claims that the charges against Al Khawaja were unconstitutional. Outside the courtroom, a passionate crowd of 300 Al Khawaja supporters gathered with signs and called on Prime Minister Khalifa to resign. They chanted inflammatory slogans including "Die Khalifa" and "The People Don't Want You." Court guards were the only security officials present and made no attempt to interfere with the crowd.

¶2. (SBU) Later the same day, at about 6:00 PM, the King issued a decree limiting the imprisonment to the 57 days already served and ordered Al Khawaja's immediate release. Photographs of him in a car with his wife on their way home appeared in local newspapers. Though many media outlets called the King's decree a pardon, legally it was a suspension of the remainder of the sentence. The King also ordered the release of 13 detainees still being held in connection with the October 28 "car parade" in support of Al Khawaja (Ref A).

¶3. (SBU) Political and human rights activists welcomed the King's gesture and some described it as evidence of the top leadership's desire to continue its democratic reforms. However, many expressed dismay that Al Khawaja was imprisoned and put on trial in the first place. BCHR President Nabeel Rajab told PolFSN that the King's handling of the matter sent a strong message that although he had forgiven Al Khawaja, he would not tolerate criticism of his family. Representatives of several human rights organizations said they would push for changes in the penal code to remove Article 156, which criminalizes criticism of the royal family. Some activists (unrelated to the Committee in Support of Al Khawaja, which had suspended its activities) planned an evening demonstration in the suburb of Budaiya against Al Khawaja's conviction and sentence, but canceled the event at the last minute upon learning of the King's decree.

¶4. (SBU) Comment: The sentencing of Al Khawaja to a year in prison and the King's subsequent pardon demonstrate the mixed nature of the GOB's path towards a more democratic system. Al Khawaja's arrest and imprisonment were a warning to activists not to push the envelope too far, but the King's pardon showed that he can respond to their concerns when he believes it appropriate. Some human rights advocates are now looking to the next step: finding a way to re-open the Bahrain Center for Human Rights.

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